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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,924	12/21/2001	James Earl Mathis	PF02253NA	5055

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MOTOROLA INC
600 NORTH US HIGHWAY 45
ROOM AS437
LIBERTYVILLE, IL 60048-5343

EXAMINER

PEREZ, ANGELICA

ART UNIT PAPER NUMBER

2684

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,924

Applicant(s)

MATHIS, JAMES EARL

Examiner

Angelica M. Perez

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Waesterlid (Waesterlid, Anders; WO Pub. No.: 01/65,807 A2).

Regarding claim 1, Waesterlid teaches of a method for conducting a group call among communication devices based on presence information of the communication devices (page 9, lines 16-25; e.g., "current state" provide presence information status), the method comprising the steps of: displaying presence information at a particular communication device (page 9, lines 26-32 and figure 9), the particular communication device having access to a contact list that identifies members of the group call (page 15, lines 1-6), the presence information including a presence status for each of the

members of the group call (page 9, lines 26-32 and page 15, lines 4-6; where "on/off" status field provides presence status information); detecting activation of the group call at the particular communication device (page 15, lines 17-19); and establishing the group call among the communication devices based on the contact list of the particular communication device (page 11, lines 24-29), wherein a communication link is established with each of the members of the group call (page 11, lines 24-29; where all the members are contacted).

Regarding claim 2, Waesterlid teaches all the limitations of claim 1. Waesterlid further teaches the step of creating the contact list associated with the particular communication device before the step of displaying the presence information at the particular communication device, where the contact list identifies the members of the group call (column 14, lines 2-7; where the contact list is created before any status information can be displayed).

Regarding claim 3, Waesterlid teaches all the limitations of claim 1. Waesterlid further teaches where the particular communication device accesses the contact list from a database maintained by the particular communication device (page 10, lines 25-26).

Regarding claim 4, Waesterlid teaches all the limitations of claim 1. Waesterlid further teaches where the particular communication device accesses the contact list from a database maintained by a network infrastructure in wireless communication with the particular communication device (column 10, lines 16-24).

Regarding claim 14, Waesterlid teaches all the limitations of claim 1. Waesterlid further teaches where the particular communication device includes an instant messaging application and the contact list is accessed by the instant messaging application (column page 1, lines 15-20).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waesterlid in view of Strom (Strom et al.; EP Pub. No.: EP 1,182,895 A1).

Regarding claim 5, Waesterlid teaches all the limitations of claim 1.

Waesterlid does not teach where the step of detecting activation of the group call includes the step of detecting an activation of a push-to-talk button at the particular communication device.

In related art, concerning a method and apparatus for performing digital voice dispatch calls, Strom teaches where the step of detecting activation of the group call includes the step of detecting an activation of a push-to-talk button at the particular communication device (column 6, paragraph 0039).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Waesterlid's method of communication based on

presence contact list with Strom's activation detecting based on a push-to-talk button in order to create a list of the devices that are currently active in a push-to-talk system.

Regarding claim 6, Waesterlid in view of Strom teaches all the limitations of claim 5. Strom further teaches where the step of establishing the group call occurs while the push-to-talk button is still activated (column 6, paragraphs 0039 and 0040).

Regarding claim 7, Waesterlid teaches all the limitations of claim 1. Strom further teaches the step of indicating that the group call has been established (column 6, paragraph 0039, lines 48-51).

Regarding claim 8, Waesterlid in view of Strom teaches all the limitations of claim 7. Strom further teaches where the step of indicating that the group call has been established includes the step of signaling to the particular communication device to provide a voice message (column 6, paragraph 0039; where the voice message is provided immediately after the signaling; e.g., "pushing the button" or "depressing a determined call sequence").

Regarding claim 9, Waesterlid teaches all the limitations of claim 1. Strom further teaches the step of detecting a voice message at the particular communication device that is directed to the other members of the group call (column 8, paragraph 0049; e.g., "voice data is included (313)").

Regarding claim 10, Waesterlid teaches all the limitations of claim 1. Waesterlid further teaches the step of detecting a de-activation of the group call at the particular communication device (column 8, paragraph 0049).

Regarding claim 11, Waesterlid teaches all the limitations of claim 1. Strom further teaches where the step of detecting a de-activation of the group call includes the step of detecting a release of a push-to-talk button at the particular communication device (column 8, paragraph 0049).

Regarding claim 12, Waesterlid in view of Strom teaches all the limitations of claim 10. Strom also teaches the step of terminating the group call among the communication devices (column 8, paragraph 0049).


Regarding claim 13, Waesterlid in view of Strom teaches all the limitations of claim 12. Strom further teaches where the step of terminating the group call includes the step of disconnecting the communication link with each of the members of the group call (column 8, paragraph 0049).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.


Angelica Perez
(Examiner)


NAY MAUNG
SUPERVISORY PATENT EXAMINER

Art Unit 2684

May 11, 2004